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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,731	12/08/2004	Claude Chapel	PF020064	6035

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EXAMINER
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RUTKOWSKI, JEFFREY M

ART UNIT	PAPER NUMBER
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2619

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09/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,731	<b>Applicant(s)</b> CHAPEL ET AL.	
	<b>Examiner</b> JEFFREY M. RUTKOWSKI	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

**Claims 2-3** have been cancelled.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/04/2008 has been entered.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 11** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, namely a computer program product.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. **Claims 1, 5, 7 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Malkemes et al. (US Pat 6,647,015), hereinafter referred to as Malkemes, in view of Movshovich et al. (US Pat 6,434,17), hereinafter referred to as Movshovich.

5. For **claims 1 and 10**, Malkemes teaches a gateway **104** (communications device) that has connections to external satellite, Plain Old Telephone Service (POTS) and cable television sources **[figure 1]**. Figure 1 also shows a radio network (local area network) is used to facilitate communications between internal peripheral devices (i.e. personal computer, television) to the gateway **104** via radio network. Malkemes' invention uses a radio section **238** and gateway logic **240 [figure 2]** (plurality of means for establishing connections) to deliver requested television programming and data services to the peripheral devices **[col. 3 lines 24-38]**.

6. Malkemes discloses a gateway that is used to deliver multimedia services **[col. 3 table 1]**. Malkemes does not disclose the use of MPEG-2. Movshovich discloses a demultiplexer **200** (means for controlling) that uses a Packet Identifier (PID) to control the flow of information into a network **[col. 3 lines 36-46, figure 2]**. The demultiplexer **200** also contains a PID match unit **314** (means for filtering) that is used to filter information contained in a Multi-Program Transport Stream (MPTS). Any MPEG transport packets that are not part of the desired program are discarded by the PID match unit **314**. Since only packets that have a matching PID are forwarded by the PID match unit **314**, a Single Program Transport Stream (SPTS) or a partial SPTS is formed from the MPTS **[col. 6 lines 40-45, col. 7 lines 26-47, figure 3]**. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Movshovich's demultiplexer in Malkemes' invention to enhance the distribution of multimedia information in the network **[Movshovich, abstract]**.

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7. For **claim 5**, Malkemes does not disclose the removal of packets from a MPTS.

Movshovich discloses only packets that have a matching PID (packets that were requested) are forwarded by the PID match unit **314**, allowing a Single Program Transport Stream (SPTS) be formed from the Multi-Program Transport Stream (MPTS) [**col. 6 lines 40-45, col. 7 lines 26-47, figure 3**]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Movshovich's demultiplexer in Malkemes' invention to enhance the distribution of multimedia information in the network [**Movshovich, abstract**].

8. For **claim 7**, Malekemes does not disclose the use of the IEEE-1394 standard.

Movshovich's demultiplexer supports peripheral devices that are compliant with the IEEE1394 standard [**col. 6 lines 15-23, figure 2**]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Movshovich's demultiplexer in Malkemes' invention to enhance the distribution of multimedia information in the network [**Movshovich, abstract**].

9. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkemes in view of Movshovich, as applied to **claim 1** above, and further in view of Kubota et al. (US Pat 6,353,613), hereinafter known as Kubota.

10. The combination of Malkemes and Movshovich does not teach a means for updating or a means for inserting. Kubota teaches the means for updating signalization tables by disclosing a controller unit **25** generates additional Program Specific Information (PSI) and Service Information (SI) on respective programs based upon packet identifier (PID). The controller **25** then generates a Program Map Table showing the PID values of the audio and video data [**col. 7 lines 17-34**] (means for updating signalization tables comprised in the incoming data). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use

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Kubota's PMT table in Malkemes' invention to list all the PIDs for packets containing elements of a particular program.

11. Kubota also teaches the means for inserting modified signalization table limitation absent from the teachings of Horie by disclosing the controller **25** also packets and outputs the generated PMT table [**col. 7 lines 17-34**] (means for inserting the modified signalization tables in the stream sent to the local area network). It would have been obvious to a person of ordinary skill in the art at the time of the invention to packet and transmit the PMT table according to Kubota to allow other devices to locate the respective video and audio information.

12. **Claims 6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Malkemes in view of Movshovich, as applied to **claim 1** above, and further in view of Hoffberg (US Pat 6,850,252).

13. For **claim 6**, the combination of Malkemes and Movshovich does not teach a means to guarantee copy protection. Hoffberg teaches an intelligent electronic appliance [**abstract**] that can be used to aid in copy protection, serial copy management and a pay-per-view royalty collection system [**col. 160 lines 8-11**]. The copy protection is provided via anti-copy encryption [**col. 170 lines 20-30**] (wherein it has means to guarantee a copy protection of the data coming from the external source). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use an intelligent device with copy protection functionality in Horie's invention to keep users from pirating copyrighted materials.

14. For **claim 8**, Malkemes does not disclose the use of Digital Video Broadcasting (DVB). Movshovich's demultiplexer is used in DVB applications [**col. 6 lines 60-64**]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use

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Movshovich's demultiplexer in Malkemes' invention to enhance the distribution of multimedia information in the network [**Movshovich, abstract**].

15. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkemes in view of Movshovich and Karol et al. (US Pat 6,628,617), hereinafter known as Karol.

16. For **claim 9**, Malkemes teaches a gateway **104** (communications device) that has connections to satellite, Plain Old Telephone Service (POTS) and cable television data external data sources [**figure 1**]. Figure 1 also shows a radio network (local area network) is used to facilitate communications between internal peripheral devices (i.e. personal computer, television) to the gateway **104** via radio network. Malkemes' system also uses a gateway to connect and internal network to an external network.

17. The combination of Malkemes and Movshovich discloses a gateway module that performs the functions as disclosed in **claim 1**. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Movshovich's demultiplexer in Malkemes' invention to enhance the distribution of multimedia information in the network [**Movshovich, abstract**].

18. Malkemes' gateway module is a standalone device. Malkemes does not teach a gateway module that is distributed amongst certain peripherals of a network. Karol teaches that gateway functionality could be implemented as a software module by endpoints [**col. 17 line 36**] (being distributed among some peripherals, called gateway modules). It would have been obvious to a person of ordinary skill in the art at the time of the invention use software gateway modules in Malkemes' invention to allow for the extension of a software to system.

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19. The combination of Malkemes and Karol teaches the endpoints include regular Personal Computers (PC) running a commercially available operating system [**Karol, col. 17 lines 37-42**] (means for managing). The combination of Malkemes and Karol also teach Connection Oriented (CO) capabilities are implemented by the operating system running RSVP hooks. The applications running in the PC will assume the connectionless (CL) mode of operation [**Karol, col. 17 lines 40-42**] (enabling means).

20. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkemes in view of Movshovich, as applied to **claim 10** above, and further in view of Karol.

21. For **claim 11**, the combination of Malkemes and Movshovich does not teach the use of a computer program product. Karol teaches gateway functionality could be implemented as a software module by endpoints [**col. 17 line 36**]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use software gateway modules in Malkemes' invention to allow for the extension of a software system.

### ***Response to Arguments***

22. Applicant's arguments with respect to **claims 1 and 4-11** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY M. RUTKOWSKI whose telephone number is (571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey M Rutkowski  
Patent Examiner  
09/16/2008

/Hassan Kizou/

Supervisory Patent Examiner, Art Unit 2619